

(H.B. 2503)

**(No. 213)**

(Approved September 27, 2006)

## **AN ACT**

To amend the first paragraph of Article 74-A of the Puerto Rico Political Code of 1902, as amended, in order to establish a fixed term for notifying the Comptroller of Puerto Rico when an agency determines that any of its officers or employees is in default in their accounts, has not rendered an exact accounting or has disposed of public funds or properties for purposes not authorized by law, or that any of its officers or employees or private persons without legal authorization have used, destroyed, disposed of or benefited from public funds or property under the care, control or custody of the agency.

### **STATEMENT OF MOTIVES**

Article 74-A of the Puerto Rico Political Code of 1902, as amended, clearly provides that when an agency determines that any of its officers or employees is in default in their accounts, has not rendered an exact accounting or has disposed of public funds or properties for purposes not authorized by law, or that any of its officers or employees or private persons without legal authorization have used, destroyed, disposed of or benefited from public funds or property under the care, control or custody of the agency, the latter shall promptly notify the Comptroller of Puerto Rico for the corresponding action.

However, it has been learned by this Legislature of Puerto Rico that in practice said statute is not really complied with. As this Branch has been told

no agreement has been reached regarding the meaning of the terms “should” and “promptly” and as a result there may have been possible omissions in complying with the Act.

There is concern as to the fact that there is no reason for not establishing a fixed term for notifying and that in order to clarify any doubt that may arise concerning the duty of notifying the Comptroller of Puerto Rico a clear obligation be established. We coincide with this contention.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.-The first paragraph of Article 74-A of the Puerto Rico Political Code of 1902, as amended, is hereby amended to read as follows:

“Article 74-A.-Notice to Secretary and Comptroller of default in accounts of Government officers and employees

When an agency determines that any of its officers or employees is in default in their accounts, has not rendered an exact accounting or has disposed of public funds or properties for purposes not authorized by law, or that any of its officers or employees or private persons without legal authorization have used, destroyed, disposed of or benefited from public funds or property under the care, control or custody of the agency, the agency shall notify the Comptroller of Puerto Rico within a term of not more than ten (10) working days which shall begin after the determination has been made, for the corresponding action.

....”

Section 2.-This Act shall take effect immediately after its approval.

## **CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No. 213 (H.B. 2503) of the 4<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend the first paragraph of Article 74-A of the Puerto Rico Political Code of 1902, as amended, in order to establish a fixed term for notifying the Comptroller of Puerto Rico when an agency determines that any of its officers or employees is in default in their accounts, has not rendered an exact accounting or has disposed of public funds or properties for purposes not authorized by law, or that any of its officers or employees or private persons without legal authorization have used, destroyed, disposed of or benefited from public funds or property under the care, control or custody of the agency,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 27<sup>th</sup> of November of 2006.

Francisco J. Domenech  
Director